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August 21, 1991

Matthew O'Connell, Esq.
Reminger & Reminger Co., L.P.A.
The 113 St. Clair Building
Cleveland, Ohio 44114

RE: BRIDGESTONE/FIRESTONE, INC. VS. AIU INSURANCE COMPANY,
ET AL.


CASE NO. 89-01-158

DEPOSITION OF: FRANK P. MIRACLE - June 6, 1991

Dear Mr. O'Connell:

Enclosed please the correction page along with the affidavit
page of Frank P. Miracle.

Sincerely,


Kerry L. Paul

KLP/kmr

Enclosures

cc: Thomas B. Carr, Esq.
Michael R. McCarty, Esq.
John C. Weisensell, Esq.
Michael R. Gregg, Esq.
Joseph Weinstein, Esq.

Ann Martin
Janice S. Jacobs, Esq.
Jeffrey N. German, Esq.
Deborah L. Pollock, Esq.

RE: BRIDGESTONE/FIRESTONE, INC. VS. AIU INSURANCE COMPANY, ET AL.

DEPOSITION OF: FRANK P. MIRACLE

x Frank P. Miracle

AFFIDAVIT

The State of Ohio,)
) SS:
County of Cuyahoga)

Before me, a Notary Public in and for said County and State, personally appeared the above-named _____ who acknowledged that he/she did read his/her deposition in the above-captioned matter, listed any necessary corrections on the accompanying errata sheet, and did sign the foregoing deposition and that the same is his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto affixed my name and official seal at _____, this _____ day of _____, A.D. 19_____.

Notary Public

My commission expires: _____

CEFARATTI, RENNILLO & MATTHEWS

RE: BRIDGESTONE/FIRESTONE, INC. VS. AIU INSURANCE COMPANY, ET AL.

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ERRATA SHEET

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
60	11	<u>DICK</u> should READ <u>VIC</u>
64	12	<u>DICK</u> should READ <u>VIC</u>

CEFARATTI, RENNILLO & MATTHEWS

1 IN THE COURT OF COMMON PLEAS
2 OF SUMMIT COUNTY, OHIO
3 BRIDGESTONE/FIRESTONE, INC.,
4 Plaintiff,
5 vs. Civil Action No.
6 AIU INSURANCE COMPANY, 89-01-158
7 et al., Judge James
8 Defendants. Williams
9 - - - - -
10 Deposition of FRANK P. MIRACLE, a
11 witness herein, called by the Defendants
12 Highland's Insurance Co. and Home Insurance Co.
13 for examination under the statute, taken before
14 me, Kerry L. Paul, a Registered Professional
15 Reporter and Notary Public in and for the State
16 of Ohio, by agreement of counsel, at the
17 Marriott, 1414 South Patterson Boulevard,
18 Dayton, Ohio, on Wednesday, June 6, 1991, at
19 9:15 a.m.

20
21
22
23
24
25

COPY



1 APPEARANCES:

2 On behalf of the Plaintiff:

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4 AL LUCAS, ESQ.

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9 On behalf of Defendant AIU Insurance Co.,

10 American Home Assurance, Granite State

11 Insurance Co., National Union Insurance

12 Co., New Hampshire Insurance Co. and

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9 On behalf of Defendants Allstate-Northbrook
10 and Employers Mutual:

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17 On behalf of Defendants Highland's
18 Insurance Co. and Home Insurance Co.:

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A

PG LN [Ngl]B/FIRESTONE-MIRACLE 6-6-91 KP ---COMPUTER INDE

PG LN BY-M*

4	17	OF FRANK P. MIRACLE	BY-MR. LUTZ: Q.	Good
113	2	AFTERNOON-SESSION	BY-MR. LUTZ: Q.	Good
192	22	OF FRANK MIRACLE	BY-MR. McCARTY: Q.	
197	2	OF FRANK MIRACLE	BY-MR. SCHLESSINGER: Q.	
200	5	OF FRANK MIRACLE	BY-MR. WILLIS: Q.	

PG LN MARK'D

6	5	Exhibit 1 was	mark'd for purposes of
32	8	Exhibit 2 was	mark'd for purposes of
121	8	Exhibit 3 was	mark'd for purposes of
133	3	Exhibit 4 was	mark'd for purposes of
138	20	Exhibit 5 was	mark'd for purposes of
144	25	Exhibit 6 was	mark'd for purposes of
151	11	Exhibit 7 was	mark'd for purposes of
155	8	Exhibit 8 was	mark'd for purposes of
173	3	Exhibit 9 was	mark'd for purposes of
178	7	Exhibit 10 was	mark'd for purposes of

PG LN AFTERNOON-SESSION

113 1 (Luncheon recess had.) AFTERNOON-SESSION BY-MR.

PG LN ---THIS INDEX IS RESEARCHED BY COMPUTER---



[Ngl]B/FIRESTONE INDEX

Begun Jun 17, 1991 at 5:58^B AMPG LN
51 5

[Ngl]B/FIRESTONE-MIRACLE 6-6-91 KP INSTRUCT!
You weren't given any instructions on what to



1 FRANK P. MIRACLE, of lawful age, called
2 for examination, as provided by the Ohio Rules
3 of Civil Procedure, being by me first duly
4 sworn, as hereinafter certified, deposed and
5 said as follows:

6 MR. LUCAS: Let me just make a
7 preliminary statement that Mr. Miracle has a
8 physical disability which may require him to
9 take frequent breaks, as I discussed
10 yesterday.

11 Just as long as we all understand
12 that he has got a breathing disorder and he may
13 have to take breaks more often than normal.

14 MR. LUTZ: That's certainly fine
15 with me.

16 EXAMINATION OF FRANK P. MIRACLE

17 BY-MR. LUTZ:

18 Q. Good morning, Mr. Miracle. How are
19 you?

20 A. Fine.

21 Q. My name is Chris Lutz and I
22 represent a couple of the insurance companies
23 that are defendants in this lawsuit and I'm
24 going to ask you a series of questions about
25 your knowledge of events and practices at the

1 former Dayton Tire & Rubber plant during the
2 time that you were employed there.

3 If I mumble or if my questions are
4 unclear, and I sometimes mumble and sometimes
5 my questions are unclear, and you don't
6 understand what I'm asking for those reasons,
7 please ask me to clarify and I'll either speak
8 more clearly or I'll try to make my question
9 more understandable.

10 Could you state your name, please.

11 A. Frank Miracle.

12 Q. What is your residential address?

13 A. 645 Bowen, B O W E N, Street,
14 Dayton, Ohio 45410.

15 Q. How old a man are you, Mr. Miracle?

16 A. I'm 49.

17 Q. I would like to begin by giving you
18 a document that was produced to us by
19 Firestone. It begins at FTR 656226 and ends at
20 FTR 656233. The pages may seem a little out of
21 order. That's the order they were produced
22 in.

23 I would like you to take a look at
24 that and I'll have some questions when you are
25 done doing so.

1 MR. LUTZ: We will mark this as
2 Miracle Exhibit 1.

3 - - - - -
4 (Thereupon, Miracle Deposition
5 Exhibit 1 was mark'd for purposes
6 of identification.)

7 - - - - -
8 MR. LUCAS: As we discussed
9 yesterday, we can let the witness use the
10 marked copies, if you want that to be my review
11 document.

12 MS. POLLOCK: We have so many
13 extras.

14 MR. LUCAS: Can I have one?

15 MS. POLLOCK: You haven't gotten
16 one? I'm sorry.

17 A. What was the question?

18 Q. There hasn't been one yet.

19 A. I'm sorry.

20 Q. Have you had a chance to look at
21 that document, Mr. Miracle?

22 A. Yes.

23 Q. Have you ever seen any of it
24 before?

25 A. No.



1 Q. Does it appear to be part of your
2 personnel file from Dayton Tire & Rubber
3 Company?

4 A. I would say it seems to be, yes.

5 Q. Could you turn, please, sir, to the
6 fourth page, FTR 656229. About a third of the
7 way down on that page, next to a letter that
8 says G, this document reflects that you are a
9 high school graduate and that you went to a
10 community college. Is that correct?

11 A. Correct.

12 Q. When did you graduate from high
13 school?

14 A. 1959.

15 Q. And how many years did you go to
16 community college?

17 A. Over a two, three-year period, I
18 accumulated something like 132 hours.

19 Q. You took courses in business
20 administration?

21 A. Primarily business administration.

22 Q. Did you get a degree?

23 A. No.

24 Q. If you turn two pages further on,
25 FTR 656231, this page appears to reflect the

1 date that you began work at Dayton Tire &
2 Rubber as March 18, 1964. Does that square
3 with your memory of it?

4 A. Correct.

5 Q. Between the time you left -- let me
6 back up. Were you employed before you went to
7 work for Dayton Tire & Rubber?

8 A. Yes.

9 Q. Can you just give me a general
10 description of the jobs you held between the
11 time you left being a full-time student and the
12 time you went to work for Dayton Tire & Rubber?

13 A. I was a collector for a finance
14 company for a while. I worked for a housing
15 development as a maintenance person doing
16 painting and miscellaneous repair work.

17 I was on the farm prior to that.
18 My dad had an injury, so I returned to take
19 care of the farm. I was in the Army prior to
20 that. I was a radar technician. Prior to that
21 I worked on the farm and prior to that I was in
22 the oil fields for a while and then I worked
23 for Cincinnati Milling Machine and then I was
24 in high school.

25 Q. And you graduated from high school



1 in what year?

2 A. 59.

3 Q. So you did all of that in a
4 five-year period?

5 A. Yes.

6 Q. That's a lot of work in five years?

7 A. I moved around a lot.

8 Q. If you turn over two more pages to
9 the last page in the document, it seems to
10 reflect that your last day of employment at
11 Dayton Tire & Rubber was July 15, 1980?

12 A. Correct.

13 Q. Does that square with your memory?

14 A. Yes.

15 Q. It says next to that date, "RIF",
16 which I take it to mean reduction in force?

17 A. Correct.

18 Q. Have you been employed since being
19 RIF'd at Dayton Tire & Rubber?

20 A. Yes.

21 Q. What jobs have you held?

22 A. I went broke in the bar business.
23 I worked for an extrusion company for a while.
24 I was part owner in a small process control
25 instrumentation company until I became disabled

1 in 87.

2 Q. So you haven't worked much since
3 1987?

4 A. No, since October I haven't worked
5 at all.

6 Q. All right. In your work for the
7 extrusion company and the process control
8 company that you were part owner of, did you
9 have any responsibilities for waste disposal?

10 A. No.

11 Q. Now, if you could turn back to the
12 first listing of your jobs at Dayton Tire &
13 Rubber, which is 656231, I want to get a
14 general sense of what your job duties were in a
15 couple of the jobs that you held in the 60's.

16 A line that seems to be dated
17 November 1, 1964, under location it says,
18 production scheduling and I can't read what
19 your position was.

20 Can you tell me what that was?

21 A. IBM pay account clerk.

22 Q. What did you do in that job?

23 A. Primarily the tire builders were
24 paid at an incentive rate and they put a ticket
25 on with their clock number and the rate that



1 that tire paid and I was responsible for either
2 getting the tickets to the builders or
3 collecting them at the end of the shift and
4 turn them in for the payroll account.

5 Q. All right.

6 A. They were paid off of that
7 information.

8 Q. And it goes on to say -- moving
9 down to October of 1965, it lists your job
10 simply as scheduler. Apparently, again, in
11 production scheduling. Was that a change in
12 duties?

13 A. Yes.

14 Q. And what did you do in that job for
15 what appears to be a three-month period?

16 A. I scheduled treads on the tuber --
17 for the tuber department and squeegee and white
18 side wall extrusion.

19 Q. When you say you scheduled them,
20 what did that involve doing?

21 A. You took an inventory and
22 determined by the projected schedule what tires
23 are to be built, what your needs are to be and
24 wrote a schedule so that the components would
25 be available.



1 Q. Is that job in a particular
2 department of the plant?

3 A. I worked in the scheduling
4 department, but I scheduled for the tuber
5 department. Inventory can be in various places
6 in the plant, wherever the stuff is stored at.

7 Q. Was there a production department
8 at the plant at this time?

9 A. Yes.

10 Q. But you weren't in that?

11 A. Well, scheduling was part of
12 production.

13 Q. I see. There was a scheduling
14 department within the production department?

15 A. Yes, scheduling was a part of
16 production.

17 Q. I see. And then starting on
18 February 1, 1966, according to this document,
19 and extending for sometime your location is
20 given as final inspection and it shows that for
21 a couple of months your position was record
22 clerk and then it is supervisor.

23 Can you tell me what you did first
24 as a record clerk and then for a much longer
25 period of time as a supervisor in final



1 inspection?

2 A. As a record clerk, my job was to
3 keep track of production for pay purposes for a
4 group of people that they called the white side
5 wall group.

6 Basically they painted and wrapped
7 tires at an incentive rate and my job was to
8 count them and give them credit for the
9 production. I turned in a suggestion to
10 eliminate the job and that's why I went into
11 supervision.

12 Q. That must mean that your job duties
13 changed. What did you do as supervisor?

14 A. I supervised the clock card people.

15 Q. Tell me what that means. Who are
16 they?

17 A. Those are the hourly rate people.

18 Q. In final inspection?

19 A. In final inspection, right.

20 Q. And these were the people that were
21 looking at the built tires?

22 A. They were the people actually doing
23 the hands-on physical labor, so to speak, to
24 process the tires.

25 Q. And they were checking for flaws



1 and that sort of thing?

2 A. Yes, doing various treatments to
3 the tires. They would check trimming.
4 Processing the tire from the curing department
5 to warehouse.

6 Q. And you were supervising their
7 work?

8 A. Yes.

9 Q. And you did that, according to this
10 document, and you will have to flip over to the
11 last page so we can continue, it appears with
12 what look like temporary assignments from late
13 1966 to late 19 -- mid 1971. Is that correct?

14 A. Correct.

15 Q. You have a few it looks like
16 temporary assignments as an interviewer?

17 A. I hurt my hand and I had to be out
18 of the factory for a while, so I worked in
19 industrial relations.

20 Q. All right. In October of 1971, you
21 are still in final inspection, but it shows you
22 as a foreman. Was that different than the
23 supervisor job title that you held before?

24 A. Yes. It was a promotion. We had
25 one general foreman over all of the

1 supervisors.

2 Q. Tell me structurally -- there was a
3 final inspection department; is that correct?

4 A. Correct.

5 Q. And you had the people that were
6 actually doing the inspection, the hourly-paid
7 employees?

8 A. Yes.

9 Q. In this period, about how many
10 hourly-paid employees were in final inspection?

11 A. There was approximately -- when I
12 took over the foreman's job, there was 153
13 people if I remember right.

14 Q. And managing them, there were
15 supervisors, correct?

16 A. Managing them were supervisors.

17 Q. How many of those folks?

18 A. Anywhere from 9 to 12.

19 Q. Were they salaried or hourly paid?

20 A. They were salaried.

21 Q. And there was a single foreman?

22 A. A single foreman, correct.

23 Q. And that's what you became in
24 October of 71?

25 A. Correct.



1 Q. Now, who did you report to?

2 A. I reported to the department
3 manager.

4 Q. Who was that at the time?

5 A. Ken Somerlot, S O M E R L O T.

6 Q. Now, according to this document
7 that you have in front of you, in March of
8 1975, you moved from final inspection to being
9 a foreman in waste control; is that right?

10 A. Correct.

11 Q. Before I ask you about that, I
12 notice that your job title changed in final
13 inspection from foreman to manager. Was that a
14 promotion?

15 A. Correct.

16 Q. Were you managing the whole
17 department?

18 A. Correct.

19 Q. So you succeeded Mr. -- the
20 gentleman that you named a minute ago?

21 A. Not directly. There was somebody
22 else in there for a brief time.

23 Q. But when you became manager --

24 A. I had the job, correct.

25 Q. I see. What led to your moving

1 from being the manager in the final inspection
2 department to being a foreman in waste control?

3 A. Well, basically I had taken a
4 department that was running last in cost and I
5 was running first and third in cost and I had
6 my replacement trained and I wanted to get some
7 exposure in a different area of the company.

8 I figured that I did all I could in
9 final inspection. They had a need elsewhere,
10 so I took the job.

11 Q. Part of your job as manager in
12 final inspection was to reduce costs where
13 possible for the department?

14 A. Yes.

15 Q. And as manager of final inspection,
16 who were you answerable to?

17 A. Production manager and the plant
18 manager.

19 Q. Both of them?

20 A. Yeah. Mostly -- I was directly
21 responsible to the production manager.

22 Q. Who was the production manager when
23 you were manager of final inspection?

24 A. When I first -- there were so many
25 changes. When I was manager, the production

1 Q. The amount of waste?

2 A. Yes.

3 Q. Were you responsible for reducing,
4 if possible, the cost of waste disposal for the
5 waste you were involved with?

6 A. Yes.

7 Q. In your answer you described your
8 job as having to do with process waste?

9 A. That's when I went to waste
10 control.

11 Q. And was that true during the whole
12 time that you were a foreman?

13 A. No, the job sort of expanded into
14 the control -- to include all solid waste.

15 Q. Can you tell me how many months
16 after you took the job this expansion occurred?

17 A. Within a couple of months it
18 started.

19 Q. So that would have been mid 1975 or
20 so?

21 A. Yes.

22 Q. Before we get into the period when
23 you were responsible -- where your job involved
24 more than just process waste, in that first two
25 or three months that you were foreman in the

1 department, was some other component of the
2 plant responsible for other wastes?

3 MR. LUCAS: Objection.

4 If you know.

5 A. I wasn't responsible, so I assume
6 somebody might have been responsible. I really
7 don't know.

8 Q. You don't know who?

9 A. No.

10 Q. I want to ask you any number of
11 questions about your work in waste control, but
12 I want to take a few minutes to try to get an
13 understanding of the organizational structure
14 of the plant during the period that you were in
15 waste control, that five-year period.

16 My questions have to do with that
17 five-year period from 1975 to the end of your
18 work at Dayton Tire & Rubber. We referred to
19 a -- you have referred and I have referred to a
20 number of departments in the plant.

21 Can you tell me how many
22 departments you can recall that existed at the
23 plant in 1975 to 1980?

24 MR. LUCAS: Objection.

25 Foundation.

1 Go ahead.

2 A. I could probably sit down and list
3 them, but I don't know if I could or not.
4 Receiving, Banbury department, tube department,
5 calendering department, scheduling department,
6 tire building, tire curing, final inspection,
7 warehousing. I think that's mostly the
8 production factory part of it.

9 Q. That was part of production?

10 A. What?

11 Q. All of those components you just
12 listed were part of production?

13 A. Yes.

14 Q. Besides production, were there
15 other departments or organizational units in
16 the plant?

17 MR. LUCAS: Objection.

18 A. Yes.

19 Q. Can you tell me what those were?

20 A. Personnel, industrial relations,
21 technical services, quality control.

22 Q. I'm sorry, was that technical
23 services?

24 A. Technical services, quality
25 control, laboratory, statistical control, plant



1 engineering, plant maintenance, plant security.

2 Q. Can you think of any others?

3 A. General services.

4 Q. Was there a storage department?

5 A. They had maintenance stores and
6 general stores. I'm sorry. One was in with
7 receiving and one was in with maintenance.

8 Q. Was there a purchasing department?

9 A. Oh, yeah. Purchasing department.

10 Q. The units that you described -- can
11 you think of any others by the way?

12 A. No, I really can't.

13 Q. The units that you described at the
14 outset of your answer; that is, from receiving
15 through warehousing, you said they were all
16 part of production?

17 A. Yeah, basically.

18 Q. Each of those units had its own
19 manager?

20 A. Yes.

21 Q. Now, did all of them report to the
22 production manager?

23 MR. LUCAS: I'm going to object to
24 this general line of questioning on the grounds
25 that you haven't established any foundation



1 that he would have knowledge about the
2 organizational structure.

3 You can go ahead and answer.

4 MR. LUTZ: If he doesn't know, he
5 can tell me.

6 Q. The managers of these production
7 subcomponents, did they report to the
8 production manager?

9 A. I would imagine. I did. I would
10 assume they did.

11 Q. In the list of organizational
12 components you gave me, I don't remember you
13 mentioning waste control. Was that part of
14 production?

15 A. Yeah, we were considered part of
16 production or part of the factory.

17 Q. You say part of the factory. What
18 do you mean by using that term? Was there
19 something else other than the factory at the
20 plant site?

21 A. It all had to do with labor charges
22 more than anything. It was a bookkeeping term,
23 whether you were a production department or a
24 support department, I guess.

25 Q. I see.

1 A. It is just terminology.

2 Q. Do you recall from 75 to 80 who the
3 plant manager or managers were at Dayton Tire &
4 Rubber? This is during the time that you were
5 in waste control.

6 A. John Goulden -- no. Harold Powell
7 was the plant manager and Tom Hollopeter.

8 Q. Those are the two that you can
9 recall?

10 MR. MCCARTY: I'm sorry, Harold
11 who?

12 THE WITNESS: Powell.

13 MR. WILLIS: And Tom?

14 THE WITNESS: Hollopeter.

15 Q. In the 75 to 80 period, who was
16 first, Powell or Hollopeter?

17 A. Powell.

18 Q. Do you recall a man named Simpson
19 being the plant manager for any period of time?

20 A. Bob Simpson was the scheduling
21 manager when I was there; and when the plant
22 was closing, I think he took over as plant
23 manager.

24 Q. How about a man named Reese? Do
25 you remember him as the plant manager?

1 A. No, Tom Reese was in charge of
2 maintenance when I left.

3 Q. During the time that you were in
4 waste control, who was the manager of general
5 services, if you know?

6 A. Ralph Ball.

7 Q. Did general services have
8 responsibility for disposal of waste at the
9 plant?

10 MR. LUCAS: Objection. Foundation,
11 form.

12 A. They were responsible for cleaning
13 the plant. I don't know what his
14 responsibilities were. I really don't. If you
15 had a dumpster that you wanted emptied, you
16 would call general services to get it emptied.

17 Q. Let's go back for a little bit to
18 your responsibilities in the waste control
19 department. You said that one of your jobs was
20 recording the process waste; is that correct?

21 A. Correct.

22 Q. That's the waste that is produced
23 by the building of the tires?

24 A. Right.

25 Q. What were the principal items of

1 process waste that were generated at the plant?

2 A. I would say 90 percent of it would
3 be what they call fabric or ply waste.

4 Q. These are scraps of --

5 A. Scraps of ply fabric that were
6 unusable, either because of the wrong angle or
7 they were stretched or moisture in them.

8 Q. Any other components of process
9 waste?

10 A. Well, you had some uncured rubber,
11 scrap bead wire, scrap beads. That's about
12 it.

13 Q. I have heard the term Banbury
14 sludge. Was that regarded as a process waste?

15 A. Banbury sludge?

16 Q. Yes.

17 A. I don't know what you are talking
18 about as far as Banbury sludge.

19 Q. That's not a term that you are
20 familiar with?

21 A. No.

22 Q. Any waste oils involved as waste in
23 the manufacturing of tires at the plant?

24 A. I don't see where there would be,
25 but I don't know. Not that I was aware of.



1 Q. Any liquids that would get
2 generated as process waste in the building of
3 tires at the plant?

4 A. I wouldn't think so, but I have no
5 knowledge of them. If you go through the
6 process, you wouldn't see where there would be
7 any generated, but I don't know.

8 Q. Any waste grease produced in the
9 production process?

10 A. Not that I'm aware of.

11 Q. How about waste solvents?

12 A. Not that I know of. There may have
13 been. Not that I'm aware of.

14 Q. I've heard in other depositions in
15 this case that often in the building of a tire
16 a worker may be called upon to swab a not yet
17 complete tire with a solvent; is that correct?

18 A. Uh-huh.

19 Q. You do that with a piece of cloth
20 soaked in solvent?

21 MR. LUCAS: Objection.
22 Foundation.

23 A. Well, it is part of the process
24 when they build a tire. They use solvents.

25 Q. And sometimes they swab it with a



1 pad soaked in solvent?

2 MR. LUCAS: Objection.

3 Q. Have you ever seen that happen?

4 A. Yes, I have seen that.

5 Q. During the time that you were in
6 waste control, how were solvent-soaked rags or
7 cloths disposed of?

8 A. I don't know.

9 MR. LUCAS: Objection.

10 A. I had nothing to do with the
11 solvents or anything like that.

12 Q. You wouldn't regard such an item as
13 process waste?

14 A. No.

15 Q. Can you give me a definition of
16 process waste?

17 A. We considered process waste
18 anything that was waste that was part of a
19 tire. If you took a tire and tore it apart,
20 any components that you could identify that
21 became scrap for any reason or unusable or
22 unsuitable for tire building was process waste.

23 Q. So if a tire building machine
24 generated waste on its own, it wouldn't be
25 incorporated -- you wouldn't regard that as

1 process waste?

2 A. Well, if it was ply fabric and if
3 they stretched the ply fabric, then it would be
4 process waste.

5 Q. Suppose it dripped oil on the
6 floor, the Banbury, for example. Would you
7 regard that as process waste?

8 MR. LUCAS: Objection.

9 A. No, I wouldn't say it was process
10 waste.

11 Q. If there was an oil spill from a
12 Banbury machine, who would clean it up at the
13 plant between 1975 and 80?

14 MR. LUCAS: Objection.

15 A. I really don't know.

16 Q. Who cleaned the floors in the plant
17 production area from 1975 to 1980?

18 MR. LUCAS: Objection.

19 A. I don't know. General services I
20 would imagine.

21 Q. That's what you think?

22 A. I cleaned -- my department cleaned
23 my floors. I don't know.

24 Q. Your department cleaned your
25 floors?

1 A. My department cleaned -- well, we
2 cleaned our own floors in my department.

3 Q. When you say your department, what
4 department is that?

5 A. When I was in waste control.

6 Q. When you were in waste control as a
7 foreman, how many people were you supervising?

8 A. I think it was 31 people in my
9 department when I started, but I ended up with
10 12.

11 Q. And you say ended up with 12. That
12 extends into the period that you were managing
13 the department?

14 A. At the time of the shutdown, I had
15 12 employees.

16 Q. And these were hourly-paid workers?

17 A. I had two foremen also.

18 Q. At the beginning of the period,
19 what did these 31 people do?

20 A. They primarily were responsible for
21 picking up and recording and weighing process
22 waste. We had three people, one each shift,
23 assigned to the tire room and the rest worked
24 in the salvage department. We also rebiased --
25 re-angled stock, so it could be used in other

1 components.

2 Q. Mr. Miracle, I would like to show
3 you a document, which we will have marked as
4 Miracle Exhibit 2. I want you to take a look
5 at that for a minute.

6 - - - - -
7 (Thereupon, Miracle Deposition
8 Exhibit 2 was mark'd for purposes
9 of identification.)

10 - - - - -
11 Q. Have you had a chance to look at
12 that document, Mr. Miracle?

13 A. Yes.

14 Q. Does this look like a plan of the
15 plant during the time that you were in waste
16 control?

17 MR. LUCAS: Objection.

18 MR. LUTZ: I'm sorry?

19 A. It is a partial.

20 Q. What is missing, sir?

21 A. You got a whole area out here that
22 is missing.

23 Q. You are pointing off to the --

24 A. West.

25 Q. -- to the west. What was over to

1 the west?

2 A. Part of the salvage department was
3 one thing.

4 Q. Tell me how many buildings were
5 over there to the west.

6 A. Primarily there's one building
7 there, that 46. You got the east end of it.

8 Q. So the east end of -- I guess the
9 west end of building 46 is missing?

10 A. Right.

11 Q. Anything else missing based on your
12 memory?

13 A. The rail dock out there, rail
14 siding.

15 Q. Okay. Anything else missing? I
16 believe the warehouse is on the other side of
17 Rosedale.

18 A. That looks like it would be the
19 layout -- partial layout.

20 Q. You said a minute ago that you had
21 people in your waste control department
22 assigned to the tire room. Can you point out
23 to me on this plan, Miracle Exhibit 2, where
24 the tire department was? You can maybe use the
25 numbers that are there.

1 A. Okay. I would say if -- this is
2 when I was in waste control, right?

3 Q. Yes.

4 A. 5 and 6, 5 A, 6 A, 5 B, 5 C and --
5 I can't make this one out here. What is it
6 here?

7 It is 5 B and 5 C to the west.
8 5 F?

9 Q. I see. To the west. You mean that
10 very skinny one?

11 A. Yeah, the skinny one.

12 Q. That might be 5 D. Maybe. I know
13 which one you mean.

14 A. I'm sorry, to the east. 5 F. I'm
15 sorry.

16 Q. Okay. So that block of blocks in
17 the 5's and 6's is what you refer to as the
18 tire room?

19 A. To the best of my knowledge, yes.

20 Q. All right.

21 A. It's been a long time.

22 Q. This is where the production
23 workers there engaged in tire building?

24 MR. LUCAS: Objection.

25 A. If they were a tire builder, I

1 imagine they were building tires. I mean, they
2 had all kinds of people there.

3 Q. All right.

4 A. My people were there, but they
5 weren't building tires. I don't know what you
6 are fishing for.

7 Q. I'm not fishing for anything. I'm
8 just trying to understand what you remember.
9 During the time that you were in waste control,
10 did you have an office?

11 A. Yes.

12 Q. Where was that on this plan?

13 A. It would probably have been located
14 somewhere in 16 A or 16 C in the basement
15 there.

16 Q. I'm having trouble finding that.

17 A. Right in the center here. You know
18 where 5 B is?

19 Q. Yes.

20 A. Go west from there. You have 4 C.
21 I'm sorry. 36 A.

22 Q. Okay. 36 A?

23 A. Somewhere in the basement there.

24 Q. All right.

25 A. 36 C, somewhere in there.

1 Q. That's where your offices were?

2 A. Yes, that's where my office was,
3 right.

4 Q. But the hourly-paid workers that
5 you supervised were distributed throughout the
6 plant?

7 A. Primarily they were in the tire
8 room, in this area here, or I had several
9 people out back full time.

10 Q. Out back is where on this plan?

11 A. Out here to the west of 46 -- this
12 46 building here.

13 Q. Where it seems like the D is cut
14 off, dock?

15 A. Right.

16 Q. Was that sometimes referred to as
17 the reclamation area? Did you ever hear that
18 term used?

19 A. The service department occupied the
20 majority of the building. I had one small room
21 and dock at the extreme west.

22 Q. When you say the service
23 department, you mean general services?

24 A. No.

25 Q. What is the service department?

1 A. They took in -- they adjusted tires
2 for the sales department.

3 Q. I see.

4 A. Tires that were defective, they
5 were returned there and they made a
6 determination whether or not this dealer would
7 get credit, whether there was a road hazard.
8 That was the tire service department.

9 Q. So waste control had a small piece
10 of building 46?

11 A. Right.

12 Q. Did you have waste control people
13 you supervised at other locations in the plant,
14 other than the tire room and a small part of
15 building 46?

16 MR. LUCAS: Let me just object. He
17 also pointed, I believe, to the area 36 A and
18 36 C, although the record won't reflect that he
19 also pointed to that in beginning of his
20 response.

21 MR. LUTZ: I understood him to say
22 that's where his office was.

23 Q. Is that correct?

24 A. In the area of my office is also
25 where we did the rebiasing and stuff, so I had

1 quite a few -- about five full-time employees
2 there that worked there.

3 Q. What is rebiasing?

4 A. The ply stock is usually cut on a
5 bias or an angle and different tires called for
6 different angles and sometimes you would have
7 stock cut at just the wrong angle; and by
8 retrimming it, you could put it into a useable
9 product and that was called rebiasing. We did
10 quite a bit of that.

11 Q. I see. Now, the employees you
12 supervised who were in the tire room, I think
13 you said that they picked up process waste and
14 weighed it; is that correct?

15 A. Yes, they were responsible for
16 bringing it back to the department. They would
17 go through it. Any usable stock or any
18 possible usable stock was bedded down on
19 tables; so when it become damaged -- stuff that
20 was determined to be scrap, they were
21 responsible for weighing it, recording the
22 department that would be charged with the
23 scrap, the waste, identifying it, what it was,
24 and then putting it into a tub.

25 Q. When these employees collected this

1 process waste in the tire room, did they pick
2 it up off of the floor or was it in bins?

3 A. It could have been anywhere.

4 Primarily if a tire builder is building -- if
5 he had a piece of damaged stock or he damaged a
6 piece of stock, he was to hang it on a rack out
7 behind the machine, so it wouldn't incur any
8 further damage and then our employees would
9 come along and remove it from that area.

10 Q. Would they put it into something or
11 would they carry it by hand?

12 A. My employees?

13 Q. Yes.

14 A. We had what we called a bed-down
15 table, which was just a four-wheel cart with
16 fabric leafs in it or liners and they would lay
17 material and then put liners on top or sandwich
18 the material between the fabric so it wouldn't
19 stick together.

20 Q. And the bed-down tables were at
21 locations around the tire room?

22 A. He pushed -- he pushed the table
23 from machine to machine.

24 Q. All right. So your employees in
25 this period would sort of do a circuit around

1 the tire room during the day and pick up this
2 damaged or scrapped material, correct?

3 A. Right.

4 Q. And I take it the bed-down tables
5 could become full, correct?

6 A. Right.

7 Q. At that point they would come back
8 to your area around building 36; is that
9 correct?

10 A. Yeah. They would return to the
11 basement there and unload the truck.

12 Q. And if I understood your testimony
13 correctly, in that area other employees that
14 you supervised sorted through the scrap and so
15 forth; is that right?

16 A. They would rebias or go through
17 the -- they would go through the material. The
18 people in the basement primarily were busy
19 rebiasing stock.

20 You had different kinds of stock
21 and the person that came down from the tire
22 room, if he had a piece of nylon stock, it was
23 such and such a code and it went on this
24 table.

25 Once we accumulated enough, we

1 thought maybe we got enough for fabric, we
2 would pull the table open and the guy would set
3 up a useable angle and cut the stock and send
4 it back up to be used.

5 Q. You referred to a weighing process
6 for the material that came back from the tire
7 room. You must have had scales around building
8 36?

9 A. Yes.

10 Q. Did you weigh the material that
11 came directly back from the tire room or did
12 you weigh only the stuff that you weren't able
13 to reuse?

14 A. We only weighed up the stuff that
15 was scrap and when it was scrapped, right.

16 Q. So you weighed the material --

17 A. If we had a piece that was usable,
18 it would not be weighed.

19 Q. So the stuff that was weighed was
20 the stuff that eventually had to be disposed of
21 away from the plant?

22 A. Correct.

23 Q. All right. You said that the -- I
24 think you said part of the weighing process
25 was -- I believe you used the term charging

1 amounts of waste to particular departments?

2 A. Right.

3 Q. Now, you have referred to getting
4 the waste from the tire room?

5 A. Correct.

6 Q. What other departments were there
7 that you charged waste to?

8 A. Primarily the bead department and
9 stock cutting department.

10 Q. Were bead and stock cutting in
11 different places from the tire room?

12 A. Right.

13 Q. Where were they?

14 A. They were in the basement there,
15 primarily in 36 C or under 4 C.

16 Q. Okay.

17 A. Possibly under this 5 B and 5 C.
18 I'm trying to remember the basement, but I
19 think they were under 4 C and 36 C, just on the
20 other side of the wall from us.

21 Q. So were there employees that you
22 supervised that, as your other employees did in
23 the tire room, picked up waste material in bead
24 and stock cutting?

25 A. Initially there was, but later on

1 there wasn't. They bedded it down themselves.
2 We just picked up the trucks.

3 Q. I see. They collected it and they
4 brought it to you?

5 A. The operator of the machine had a
6 truck there; and if he had a piece of stock
7 that he couldn't use, he laid it out on the
8 truck and we walked in and picked it up or they
9 pushed it over to us.

10 Q. When the material was weighed in
11 your area, were written records kept of the
12 weight?

13 A. Right.

14 Q. Was that done on a daily basis?

15 A. Right.

16 Q. Was there a form for doing that?

17 A. Yeah, we had several forms and
18 sheets, IBM sheets, key punch sheets.

19 Q. Somebody entered the weights by
20 hand?

21 A. I took a pen and wrote in the
22 weight -- like on the sheet, if you had the
23 stock cutting department, you would have a list
24 of all of the things that they would be
25 responsible for, like miscuts, table ends,

1 scrap that would be charged to them and we had
2 a computer code and they would put the poundage
3 to correlate with this defect on the sheet.
4 These sheets were the basis for the daily waste
5 report.

6 Q. How many sheets reporting on waste
7 generated did waste control create in a 24-hour
8 period?

9 A. I don't know. It would vary.
10 Maybe 20, 30.

11 Q. Twenty, thirty pieces of paper?

12 A. Uh-huh.

13 Q. Did the plant run -- how many days
14 a week did the plant run from 75 to 80 on
15 average?

16 A. I would say five, five and a half.

17 Q. So in a week your department was
18 generating between 100 and 150 sheets of paper
19 recording the weight of waste that had come
20 from other areas of the plant?

21 A. Yeah.

22 Q. What did you do with all of that
23 paper? I mean, the records.

24 MR. LUCAS: You mean on a daily
25 basis?

1 MR. LUTZ: Yes, first on a daily
2 basis.

3 A. It was taken up and put into key
4 punch and we generated a waste report.

5 Q. Did you keep copies of the written
6 records, what you might call the hard copy?

7 A. Yeah.

8 Q. You had files in your area?

9 A. Uh-huh.

10 Q. As of 1980, how far back did those
11 files go? I mean, in time.

12 A. I would say that in 1980 those
13 records probably went back to 3 of 75.

14 Q. That's when you began in the waste
15 department?

16 A. Right. I went over there and I
17 threw away two and a half dumpsters full of old
18 scrap reports.

19 Q. When you say went over there and
20 threw away two and a half dumpsters, this is
21 when the plant closed?

22 A. No, this is when I took over the
23 department.

24 Q. So there were lots and lots of
25 records in 1975, but you got rid of a lot of

1 them?

2 A. Yes. They were useless. In fact,
3 in 1980, you could probably only find one
4 year's monthly reports and probably only five
5 years reports that I sent to Akron. The rest
6 were pitched.

7 Q. You have sort of anticipated some
8 other questions I was going to ask you. You
9 have described that you filled out a daily --
10 that the department filled out three to five
11 pieces of paper a day on the weighing and
12 charging of process waste, correct?

13 A. I said about 30.

14 Q. I'm sorry. You are right. Forgive
15 me. And those were daily forms that you filled
16 out?

17 A. Right.

18 Q. And those were people writing on a
19 preset form that you had for their use?

20 A. Right.

21 Q. Was the form called something? Did
22 it have a name?

23 A. It had a DA form number that we
24 ordered it by and it either said stock cutting,
25 tire room, bead department at the top. Other

1 than that, it was just a daily waste sheet.
2 Something that we made up to make things
3 easier.

4 Q. It was a preprinted form?

5 A. Yes. Something what we designed
6 ourselves.

7 Q. When you say it had a DA number,
8 what does that mean?

9 A. So that the printing department at
10 the plant could recall and order more forms.
11 They put a printing number on it. Document
12 authorization number I think is what DA stands
13 for.

14 Q. Everybody has got bureaucracy. Was
15 there a separate -- was there a different form
16 for each department to which a waste amount was
17 being charged?

18 A. Right.

19 Q. Now, those were what you filled out
20 on a daily basis?

21 A. This is what our employees filled
22 out. I mean, when he weighed up the scrap, he
23 filled those out on a shift basis.

24 Q. You referred to a monthly report.
25 Is that a different kind of form?



1 A. At the end of the month -- we
2 generated a daily report that came out daily
3 and also on that same report showed the month
4 to date; and at the end of the month, the month
5 to date became the actual and on another form,
6 which Akron sent down, we filled out a waste
7 report that was sent to Akron and we were
8 compared to other plants in the corporation.

9 Q. How often was the Akron form filled
10 out and sent to Akron?

11 A. Once a month.

12 Q. That was a monthly report?

13 A. Correct.

14 Q. And that was different than the
15 monthly report that you filled out for internal
16 use?

17 A. Only in format.

18 Q. It had the same information?

19 A. Basically the same information. We
20 had more detail on ours.

21 Q. Were the daily reports sent to
22 somebody at the plant on a daily basis?

23 A. Everybody that generated scrap
24 received a copy of it or each department
25 received a copy of the waste report.

1 Q. Every day?

2 A. Every day.

3 Q. The same with the monthly report?

4 A. The monthly report, they got a copy
5 of that and they also got a copy of the monthly
6 report to Akron.

7 Q. Did the plant manager get copies of
8 these reports?

9 A. Yes.

10 Q. How about the production manager?

11 A. Yes.

12 Q. Anybody else other than them and
13 the folks in the departments that generated the
14 waste?

15 A. Not to my knowledge. They were not
16 on the direct mailing list. They may have had
17 access to a copy.

18 Q. But your distribution list
19 consisted of plant manager, production manager
20 and the people that ran the departments that
21 generated the waste?

22 A. Yes.

23 Q. Your last day of work at the plant,
24 how many file drawers do you think all of this
25 paperwork filled?



1 A. I probably had it down to one
2 drawer.

3 Q. Had you been weeding it out as time
4 went on?

5 A. I had been weeding it out since
6 1975. I mean, I don't mean to be smart or flip
7 with you; but when I went to the waste control
8 department to get a daily waste report, they
9 were doing 36 pages of calculations.

10 Q. Right.

11 A. You had to come in four hours
12 earlier to do a waste report and it only took
13 15 minutes.

14 Q. By the way, I didn't think that you
15 were being flip or smart, but it can be
16 frustrating when a lawyer that doesn't know
17 anything about tires asks you so many
18 questions.

19 A. I put a drawer here and I put it in
20 that drawer; and if I didn't need it for a
21 month, I pitched it.

22 Q. There were some records that
23 existed your last day of work at the plant on
24 waste generation?

25 A. Right.

1 Q. Do you have any idea what happened
2 to those records?

3 A. As far as I know, they are in the
4 file cabinet. I have never been back.

5 Q. You weren't given any instructions
6 on what to do with them when you left the
7 plant?

8 A. When I left the plant, they were
9 still working.

10 Q. I see.

11 A. I assume that somebody would make
12 some determination on what records were to be
13 kept. I didn't see no reason -- any records
14 that I would have, other than what would have
15 been sent to Akron, I would see no reason to
16 keep to be honest with you.

17 Q. After a period of time the daily
18 reports were just disposed of?

19 A. Right.

20 Q. Who was your predecessor as waste
21 control manager?

22 A. Ray Hamitte, H A M I T T E. He was
23 the foreman.

24 Q. He was the foreman. Was there a
25 manager?

1 A. There was no manager. That job was
2 not a manager-level job at the time.

3 Q. As you got into it, it was turned
4 into a manager level?

5 A. I built a little empire and it was
6 upgraded to a manager.

7 Q. That's not bad. When you were
8 first describing your empire, your job, you
9 said at first your department was responsible
10 for process waste?

11 A. Right.

12 Q. And then it expanded?

13 A. It expanded into including all
14 solid waste.

15 Q. Okay. Did that occur about the
16 time you got the title of manager?

17 A. No.

18 Q. Before then?

19 A. I'm trying to think. It probably
20 was before then. If you can tell me when the
21 department of transportation came up with the
22 hazardous material list, I can tell you it was
23 pretty close around there.

24 Q. So tell me what other wastes --
25 what other kinds of wastes this expansion made



1 your department responsible for?

2 A. I ultimately became responsible for
3 all solid waste generated by the plant.

4 Q. Can you describe to me the major
5 categories of such waste, other than the
6 process waste that you have described?

7 A. We had cardboard, pigment bags,
8 pallets, steel, used machinery, trim vents,
9 grinder dust. That's basically it or 90
10 percent of it anyway.

11 Q. Carbon black?

12 A. Occasionally -- no.

13 Q. No?

14 A. I take that back. I don't think I
15 had any carbon black to get rid of during that
16 time.

17 Q. All right. Those are the
18 categories of solid waste that you can think
19 about?

20 A. Uh-huh.

21 Q. Was --

22 A. Primarily if it went to a dumpster,
23 an anchor pack, I was responsible for it.

24 Q. What is that?

25 A. That's one of the things that has a

1 plunger that shoves --

2 Q. Like a compactor?

3 A. Right, a compactor. It compacts it
4 into a 40 cubic yard box.

5 Q. A rough rule of thumb was if it
6 went into the anchor pack, it was within the
7 responsibility of your expanded empire?

8 A. Right.

9 Q. Was some other unit at the plant
10 responsible for liquid or semi-solid waste?

11 MR. LUCAS: Objection.

12 Go ahead.

13 Q. If you know.

14 A. I think plant engineering was
15 responsible for that.

16 Q. But you weren't? Your department
17 was not?

18 A. No.

19 Q. You didn't handle liquid waste at
20 all?

21 A. No.

22 Q. And you didn't handle sludges?

23 A. I didn't handle any sludges, no.

24 Q. How about waste oil or grease?

25 A. 1979 I think it was -- okay.

1 Towards the end.

2 Q. Yes.

3 A. I was responsible for -- well, I
4 was responsible for returned drums. Well, from
5 the time I was in waste control, I was
6 responsible for returning scrap drums and what
7 have you. Some were sold, if they were
8 nonreturnable.

9 I became responsible to storing
10 scrap oil until such time as we had enough to
11 call in somebody to pump the oil and it was my
12 responsibility to make sure it was stored
13 properly, that it didn't leak, didn't get full
14 of water; and when I got I think it was 2,000
15 gallons, we would call general services and
16 they would send a truck and pump it.

17 My employees made sure the drums
18 were empty and then we would stack them up to
19 be returned to the dealer.

20 Q. And this was --

21 A. That was about the extent of my
22 involvement in the liquids, other than
23 constantly monitoring the barrels that did come
24 back to make sure they were empty.

25 Q. And you remember this being in 1979



1 that you got this job?

2 A. I think it was right there in 79.
3 Late 78, 79.

4 Q. Now --

5 A. This was done primarily because I
6 had the manpower and the area.

7 Q. The physical area in the plant?

8 A. Yes.

9 Q. Where were these drums kept on this
10 plant plan here, Miracle Exhibit 2?

11 A. They would be kept off to the north
12 of an area there on dock 46.

13 Q. I see. Okay.

14 A. You put four drums to a skid and
15 then stack the skids up.

16 Q. Now, with this expansion of the
17 kinds of solid waste that your department was
18 responsible for handling, did you have to keep
19 the same kinds of records on this additional
20 kind of waste as you had kept on the process
21 waste?

22 A. I started keeping records of what I
23 salvaged, because I started -- a lot of this
24 material was going to the dump and I became
25 involved in salvaging it and selling it,

1 reselling it, and consequently we were reducing
2 the number of trips to the dump.

3 Q. All right.

4 A. Yes, I did keep records, right.

5 Q. You earlier described as to process
6 waste how you had employees who, for example,
7 worked in the tire room and would walk around
8 with the little table on wheels.

9 When your department became
10 responsible for these other categories of solid
11 waste, did you have employees that you
12 supervised who went to other parts of the plant
13 to collect the waste?

14 A. I had one employee that picked up
15 some waste on a daily basis or a weekly basis.
16 The rest of -- the cardboard and stuff was --
17 excuse me, was delivered to the back dock by
18 the general services people.

19 Q. Okay.

20 A. We had dumpsters set around the
21 factory and people would put supposedly just
22 the cardboard in these dumpsters. They were
23 brought out to me and then we had a separate
24 anchor pack out there and we would put the
25 cardboard in; and when it became full, it was



1 taken to a vendor and sold.

2 Q. Who picked up the used pallets?

3 MR. LUCAS: Objection.

4 Go ahead.

5 Q. You described general services as
6 bringing the cardboard to the area. Who
7 collected the pallets?

8 A. Most of the pallets were set by
9 general services on a dock and we removed them
10 from there.

11 Q. What dock was that?

12 A. See building 50 there?

13 Q. Yes.

14 A. See that little area there, 27?
15 They were usually set right along there.
16 That's a ramp way up there.

17 Q. You just a minute ago talked about
18 the compactor where the cardboard was crushed
19 up?

20 A. That was in the back of building
21 46.

22 Q. Okay.

23 A. Accessible to my department.

24 Q. So there was a compactor there?

25 A. Yes.

1 Q. When you were cataloging the other
2 kinds of solid waste that your department
3 became responsible for, you referred to pigment
4 bags. What are they?

5 A. Bags of different pigments that
6 came in that they used in this Banbury to mix
7 the rubber.

8 Q. What are the pigments? What is a
9 pigment?

10 MR. LUCAS: Objection.

11 A. Just something they used in the --

12 Q. Pardon me? Do you know the name of
13 any of the pigments?

14 A. No, not really.

15 Q. Does white gas sound like a pigment
16 to you?

17 MR. LUCAS: Objection.

18 Q. I'm just asking what you recall.

19 A. I never heard a pigment called
20 white gas.

21 Q. Have you ever heard of a pigment
22 called 332?

23 A. I heard of a solvent called 332.

24 Q. But you never heard that number
25 associated with a pigment?

1 A. No.

2 Q. What were the pigment bags made out
3 of?

4 A. Paper.

5 Q. Okay. How big were they?

6 A. They varied depending on what was
7 in them. Like a salt bag maybe.

8 Q. I see.

9 A. They were made of paper.

10 Q. Who filled the pigment bags up, if
11 you know?

12 MR. LUCAS: Objection.

13 A. I have no personal knowledge of who
14 filled the pigment bags up.

15 Q. Where did they come from when they
16 came to your department?

17 A. They came from wherever they were
18 used at.

19 Q. Do you know where that was?

20 A. In some cases I might, but not
21 really. Not necessarily.

22 Q. Do you know of any one place that
23 they came from?

24 A. I would imagine that they would
25 come from -- there was a department in the

1 Banbury department that they called compounds.

2 Q. Compounds?

3 A. So a lot of them -- a majority of
4 them may have come from the compound
5 department.

6 Q. The pigments were use in the
7 compound department?

8 A. Yes. I guess.

9 MR. LUCAS: Don't guess.

10 Q. Who brought the pigment bags to
11 your department?

12 A. They were in a dumpster and general
13 services would have brought them back.

14 Q. I don't mean -- I may be confused.
15 Did they bring them -- did general services,
16 that is, bring the pigments to you in a
17 dumpster?

18 A. If they were in the dumpster that
19 was supposed to come to me, they were brought
20 back and left on the dock back there.

21 Q. Just the bags left on the dock?

22 A. The dumpster was left on the dock.

23 Q. I see.

24 A. We physically unloaded the
25 dumpsters; and if it was salvageable, we

1 salvaged it.

2 Q. When you use the term dumpsters,
3 what are you talking about? There may be a lot
4 of different kinds of dumpsters.

5 A. It was a cart that they pulled
6 behind a truck. It was opened about halfway up
7 the back that people threw trash and stuff in.

8 Q. I see. Okay. Did you ever look
9 inside a pigment bag?

10 A. Uh-huh.

11 Q. What did you see?

12 A. Paper with some residue on it.

13 Q. Did it have an odor?

14 A. Some of them probably did. Not
15 that I really recall any bad odors.

16 Q. It doesn't have to be bad. I just
17 mean any odor. You mentioned also grinder
18 dust. Who brought the grinder dust to your
19 department?

20 A. The grinder dust didn't come to my
21 area. It was in another dumpster.

22 Q. Okay. Where was that at?

23 A. In final inspection.

24 Q. Why --

25 A. I didn't say grinder dust came to

1 my area. You asked me what would be in a
2 dumpster.

3 Q. Maybe I misunderstood you. I
4 thought you listed grinder dust --

5 A. You said what would be termed solid
6 waste.

7 Q. Okay. Maybe I misunderstood. I
8 had asked you the kinds of solid waste that
9 your department became responsible for when
10 there was this expansion that you described and
11 I thought you had listed grinder dust as one of
12 those things?

13 A. Right. Okay.

14 Q. So grinder dust was in the dumpster
15 in final inspection?

16 A. I had no employee responsible for
17 handling that, per se, other than some tests
18 that we had done.

19 Q. When you say tests, what kind of
20 tests were they?

21 A. We tested it, sent it to the Dayton
22 Power & Light Company where they burned it as
23 an alternative fuel. It worked quite well, by
24 the way. Cleaner than coal.

25 Q. I'm sorry?

1 A. Cleaner than coal.

2 MR. LUTZ: Why don't we take a
3 break for a second?

4 (Recess had.)

5 Q. You said, Mr. Miracle, that when
6 you were manager of waste control, you had did
7 you say a couple of foremen that you
8 supervised?

9 A. Right.

10 Q. What were their names?

11 A. Ray Hamitte and Dick Eyler.

12 Q. The first was Hamitte?

13 A. Ray Hamitte, the guy that used to
14 be in charge of the department.

15 Q. I was going to say --

16 A. He stayed as my foreman.

17 Q. And the other gentleman's name was?

18 A. Dick Eyler, E Y L E R.

19 Q. Do you know whether there was a
20 written job description for your job as waste
21 control manager?

22 A. Yes, there was.

23 Q. Did you see it?

24 A. I think -- yeah, I remember --
25 yeah, I did go over -- when I was made a

1 manager, I think the plant manager went over it
2 with me. He rewrote it.

3 Q. Where was the job description that
4 you saw kept?

5 A. I imagine it was turned into
6 personnel or wherever they sent it to get the
7 job -- level the job, upgrade it.

8 Q. But when you saw it, you were
9 talking with the plant manager?

10 A. Yeah. When I went over in 75, he
11 agreed -- he told me that if I would do the job
12 for him -- that he wanted me to get into some
13 other areas; and if I would do that, he would
14 see that the job was re-evaluated and I was
15 brought back up to manager level.

16 Q. This is Mr. Powell?

17 A. Right.

18 Q. And he had the written description
19 in his office when he was talking with you?

20 A. Correct.

21 Q. And you said you think he modified
22 it?

23 A. It became a new job description and
24 he added some responsibilities that brought it
25 from a level 19 to a level 21.

1 Q. Do you have any idea what has
2 become of that job description?

3 A. As far as I know, it is in
4 personnel at Dayton Tire. I don't have a copy.

5 Q. Do you know whether a copy was
6 maintained in Akron?

7 A. I have no idea.

8 Q. Did you receive written performance
9 evaluations while you were the manager of waste
10 control?

11 A. Yes.

12 Q. And who filled them out?

13 A. Who filled them out?

14 Q. Who wrote them up? Who did the
15 job --

16 A. The job evaluation?

17 Q. Yes.

18 A. I did one on myself every month and
19 the production foreman did one on me every
20 month and then the plant manager did one every
21 month.

22 Q. Every month?

23 A. Every month.

24 Q. The plant manager evaluated your
25 performance every month?

1 compactor that was near the dock at building
2 50?

3 A. Other than just the few times that
4 we spot-checked them, no.

5 Q. When you spot-checked them, what
6 was in there?

7 A. About what we expected. Pigment
8 bags, floor sweepings, general garbage that you
9 pick up, cups and stuff, some scrap liners,
10 fabric liners and plastic, lots of plastic.

11 Q. Was that compactor used by general
12 services?

13 A. General services was primarily the
14 one that dumped into that, right.

15 Q. What about the compactor near
16 building 42? Do you know what was in there?

17 A. It was primarily grinding dust, pen
18 vents. In the tire molds, they have holes when
19 they cure a tire and the rub comes out and the
20 little stickies on the side of the tire and
21 they call them pen vents and some torn up
22 cardboard. Primarily things that the warehouse
23 used to stabilize the tires.

24 Q. Did general services principally
25 dump into that compactor?

1 MR. LUCAS: Objection.

2 A. As far as I know.

3 Q. Have you ever heard the term lugger
4 bin?

5 A. No.

6 Q. How about grease skip? Is that a
7 term that you are familiar with in your time at
8 Dayton Tire & Rubber?

9 A. Yeah, there was I guess a grease
10 skip.

11 Q. What do you understand a grease
12 skip to be?

13 A. It was a dumpster that was picked
14 up by hooks instead of a roll-on. It was
15 lifted up and set on.

16 Q. Did you see grease skips at the
17 plant?

18 A. There was one.

19 Q. Where was that?

20 A. It was located at dock 50, or off
21 to the side there.

22 Q. Which side, sir?

23 A. The south side.

24 Q. Okay. Did you ever have occasion
25 to see what was inside the grease skip?

1 A. I drove by there.

2 Q. Yes, but did you ever see what was
3 inside it?

4 A. Yeah.

5 Q. What was inside it?

6 A. Sometime water, sometime oil,
7 sometime grease.

8 Q. Okay.

9 A. Or what looked like grease.

10 Q. Do you know what department at the
11 plant put the material in the grease skip?

12 A. No, not really. I don't.

13 Q. That wasn't solid waste?

14 A. That was not considered solid
15 waste. That was considered liquid waste.

16 Q. The grease skip wasn't your
17 responsibility?

18 A. No.

19 Q. Okay. When we were talking about
20 the process wastes and the weighing process
21 that you went through and the records and all
22 of that sort of thing, once your department
23 became responsible for other kinds of solid
24 waste, did you go through the same weighing and
25 recordkeeping process for those additional



1 wastes?

2 A. I kept record of all of the
3 poundage that was recycled, any recovery.

4 Q. Yes.

5 A. Monetary recovery, I kept a record
6 of that. That was one of my objectives.

7 Q. Yes.

8 A. To at least break even or hopefully
9 make a few bucks.

10 Q. How much say, for example,
11 cardboard would you say became the
12 responsibility of your department?

13 A. 468 tons the last year, 1979, the
14 last full year.

15 Q. That's a lot of cardboard.

16 A. Cardboard and pigment bags.

17 Q. As to cardboard, did you also keep
18 track of the poundage of cardboard that went
19 off site to be disposed of?

20 A. My first -- when I first became
21 involved in that, that was primarily -- they
22 had a report that they wanted filled out and
23 that was my job to try to calculate and
24 identify.

25 I would assume that probably that

1 much went off prior to saving it. If it was
2 going in the dumpster before and it is not
3 going in the dumpster now, I would assume
4 everything being equal, that much cardboard was
5 going to the dump.

6 Q. Maybe my question wasn't clear.
7 After the time that your department became
8 responsible for cardboard, just focusing on
9 cardboard now, did you resell or recycle all of
10 it?

11 A. We tried to.

12 Q. Yes.

13 A. That was our intent.

14 Q. Okay. To the extent that you
15 didn't succeed, that there was some of it that
16 you didn't recycle or resell, did you keep
17 track of the weight of that component, what you
18 couldn't recycle or resell?

19 A. I would like to think there wasn't
20 any that we didn't recycle.

21 Q. I see.

22 A. When we audited the trash, when we
23 went to the dump and audited the trash, all
24 indication was that we were doing a fairly
25 decent job, but I'm sure there was probably a

1 few pounds of cardboard that went out that I
2 didn't get my hands on.

3 Q. If I understand your testimony, if
4 you would see it, you would resell it?

5 A. Yes.

6 Q. You referred earlier to inspecting
7 the waste compactor near building 50. Your
8 answer just then suggested to me that you were
9 looking to make sure that say, for example, all
10 of the cardboard was coming to you for resale.
11 Was that part of the reason that you were
12 inspecting it?

13 A. That's primarily it, and if there
14 was anything else in there that we should be
15 getting.

16 Q. Were you personally doing the
17 inspection or did you have employees for you to
18 do that?

19 A. When we done the inspection, I was
20 usually there, plus some of my employees and I
21 think Ralph Ball furnished some employees. We
22 just took the dumpster, unhooked it, dumped it
23 right out on the ground and sorted it, weighed
24 some of the stuff. In fact, we weighed all of
25 it and put it back in the dumpster.

1 Q. If things had been going right,
2 everything in that dumpster should have been
3 only stuff that should have gone to a dump?

4 MR. LUCAS: Objection.

5 Q. Is that correct?

6 A. Correct.

7 Q. Did your department establish
8 guidelines for what materials should be sent to
9 you for recycling or salvage?

10 A. Yes. I primarily developed most of
11 the guidelines.

12 Q. You, yourself?

13 A. Right.

14 Q. And were they written guidelines?

15 A. Not as a rule, unless it was
16 something that was really complicated.

17 Q. How did you make others in the
18 plant aware of the guidelines?

19 MR. LUCAS: Objection.

20 Q. Let me take a step back. Did you
21 make others aware in the plant of the
22 guidelines?

23 A. I tried to. The dumpster, for
24 example, we took pictures and showed them in
25 the staff meeting. I pointed out that we were

1 paying to have this hauled off where we could
2 be recovering some money for it.

3 Q. Did you and Mr. Ball talk about the
4 kinds of waste that ought to come to your
5 operation as opposed to the kinds of waste that
6 would be disposed of off site in a dump?

7 A. As needed, yes. Like the
8 cardboard, I asked if we could get the
9 dumpsters and have them bring them back to me
10 and what have you. We worked together on that.

11 Q. You referred to staff meetings.
12 What were the staff meetings at the plant?

13 A. It was usually a weekly meeting to
14 review progress and determine the schedule for
15 the week. It was an information session.

16 Q. Who participated in the staff
17 meetings during the time that you were the
18 waste control manager?

19 A. Plant manager, production manager
20 and all of the managers of your production and
21 support departments.

22 Q. Based on the list that you gave me
23 earlier, it sounds like it must have been a
24 meeting of 20 or 30 people?

25 A. Twenty, twenty-two, somewhere in

1 there.

2 Q. And that was on a weekly basis?

3 A. Yes.

4 Q. Any manager could bring up things
5 that were on his mind?

6 A. Correct.

7 Q. And when you had concerns about
8 waste control, you brought them up?

9 A. Correct.

10 MR. LUCAS: Objection.

11 Q. Did Mr. Ball speak much in these
12 meetings?

13 A. Ralph was not one to talk too
14 much. If he had a concern, I'm sure he would
15 have brought it up.

16 Q. But you don't remember -- do you
17 remember how frequently he brought up concerns
18 at these staff meetings?

19 A. No.

20 Q. Just approximately.

21 A. I have no idea. I really don't.

22 MR. LUCAS: Objection.

23 Q. All right. I asked you a minute
24 ago about whether you developed guidelines for
25 the kinds of waste that should come to waste

1 control. I believe you said that as you recall
2 those guidelines were not written?

3 A. I cannot recall any case where they
4 were written. Usually I just went to the
5 person involved and talked to them.

6 Q. I see.

7 A. Usually I went to the employees
8 really that would be involved and asked them
9 about certain things. If they felt it was
10 feasible, I usually would go talk to the
11 manager and we would make a change.

12 Q. Were there any written procedures
13 for what waste should come to your department
14 that were in place when you came into waste
15 control?

16 A. Not that I'm aware of. Not that I
17 can remember.

18 Q. Was there a plant procedures manual
19 at Dayton Tire & Rubber when you were in waste
20 control?

21 MR. LUCAS: Objection.

22 A. Not that I read. I think there was
23 a job scope, but I don't -- that would have
24 been very vague.

25 Q. While you were in waste control,

1 did you receive guidance from the engineering
2 department on the handling or disposing of
3 waste?

4 A. If I had a question about anything,
5 that's usually where I got it from.

6 Q. What kinds of waste disposal
7 questions would you take to the engineering
8 department?

9 A. I guess if it had been one if I
10 questioned whether it should go to the dump or
11 not, but I really can't think of any time that
12 I went to the engineering department, per se,
13 other than for help on some reports that were
14 to be filled out. That's how I got stuck with
15 this job.

16 Q. How is that?

17 A. Engineering had a report that they
18 were required to fill out and part of it was
19 identifying waste and I got the part of the
20 solid waste stream and consequently a lot of
21 this came about.

22 Q. So some of your recordkeeping was
23 then used by engineering in filling out its
24 report?

25 A. (Indicating.)

1 Q. Yes?

2 A. Yes, some of it was.

3 Q. What people in engineering did you
4 most often work with while you were in waste
5 control?

6 A. I mostly worked with Arnold Farren
7 or Jim Thornton.

8 Q. What was the first man's first
9 name?

10 A. Arnold Farren.

11 Q. And Mr. Thornton's first name?

12 A. Jim Thornton.

13 Q. Do you know whether Mr. Farren had
14 a particular area of responsibility in
15 engineering?

16 A. I think he was the -- he was the
17 overall plant, plus he was my personal
18 department engineer.

19 Q. You said the overall plant. What
20 do you mean by that?

21 A. I don't know if he had the
22 powerhouse, but he had other duties other than
23 me. He was assigned to me as waste control's
24 engineer.

25 Q. Was there a chief engineer at the

1 plant when you were in waste control?

2 A. That was Jim Thornton. At the
3 last.

4 Q. You say at the last. Who was his
5 predecessor?

6 A. You got me. There was a lot of
7 them.

8 Q. But you remember him being the
9 chief engineer near the end?

10 A. Right.

11 Q. And were there staff engineers?

12 A. Yes.

13 Q. Mr. Farren was a staff engineer as
14 you recall?

15 A. I guess he would be a staff
16 engineer. He was assigned to my department.

17 Q. During the time that you were in
18 waste control, was there anyone else in
19 engineering other than Mr. Farren assigned to
20 your department?

21 A. No.

22 Q. He was the guy during your tenure
23 in waste control?

24 A. The engineer, right.

25 Q. You said that you might go to

1 engineering to find out what ought to go to the
2 dump or not and also you dealt with them in
3 recordkeeping.

4 Any other kinds of questions that
5 engineering or Mr. Farren would answer for you?

6 A. Yeah. He would answer -- he
7 designed equipment for me.

8 Q. Designed equipment?

9 A. When I needed a saw to reclamp some
10 cardboard, he developed -- he designed a saw
11 for me.

12 Q. Was there anybody in engineering
13 who provided you guidance on state or federal
14 regulations or laws governing the disposal of
15 waste?

16 A. When the initial request for
17 identifying the waste stream came out, we were
18 using the code of federal regulations, 49 CFR,
19 and they had some general listings what would
20 be considered hazardous and nonhazardous
21 material as far as the transportation.

22 There was quite a bit of activity
23 to try to determine, first of all, if these
24 were going to the dump, would they be under the
25 premise of DOT and should or should they not go

1 to the dump?

2 Q. All right. And these were
3 issues --

4 A. When these were becoming
5 identified, there was quite a bit of
6 conversation with the lab people and Akron to
7 find out where on the list they fell, you
8 know. If there was some question, there was
9 people asked.

10 Q. Okay.

11 A. To the best of my knowledge,
12 everything in that plant was compared to the
13 list and, you know, determined whether or not
14 it was hazardous or whatever terminology you
15 want to put on it or if it was acceptable to do
16 this with it or not do this with it and the
17 determination was made at that time.

18 To my knowledge, at that time there
19 was nothing that we were generating as far as
20 solid waste that would be of any concern, you
21 know, cause any concern with transportation to
22 the dump or incarceration in the dump.

23 Q. I understand. These were issues,
24 if I understand your testimony correctly, that
25 were being discussed when you came into waste

1 control?

2 A. Right.

3 Q. In discussing these issues, did you
4 deal with any particular person in the
5 engineering department?

6 A. Jim Thornton I think, and I'm
7 saying I think, because he got the request
8 apparently from Akron engineering to do this
9 spread sheet that nobody wanted to do that I
10 literally got dumped on.

11 Q. Right. So you dealt with Mr.
12 Thornton on the recordkeeping part of it?

13 A. Right. on the solid waste. Now, I
14 did get out from having anything to do with
15 liquid waste, because I had no way of even
16 determining anything about it.

17 Q. I understand. Had somebody
18 suggested that you ought to try to keep records
19 on liquid waste?

20 A. That I keep records?

21 Q. Yes. The reason I ask you that is
22 you say you got out from under it. It sort of
23 sounds like somebody suggested it to you and
24 you said I can't do that. Is that how it
25 happened?



1 A. We had to identify all waste
2 streams and liquid waste was determined at the
3 time to be a waste stream.

4 Q. Did you tell somebody --

5 A. I didn't have the facilities or
6 anything else.

7 Q. Do you know who kept track of that?

8 A. I think engineering did, but I'm
9 saying they gave me some figures for one report
10 that I put in and they supplied the gallon
11 figures.

12 Q. Engineering did?

13 A. Right.

14 Q. All right.

15 A. And I don't know if the report went
16 in under my name or Thornton's name. I really
17 don't know.

18 Q. I understand. Was there anyone in
19 the engineering department who was referred to
20 as an environmental engineer that you can
21 recall?

22 A. Not per se, no.

23 Q. Can you recall the names of people
24 from Akron that you dealt with in these
25 discussions concerning the classification of

1 waste?

2 A. I can't. I really don't. I don't
3 recall that. In fact, I don't even know if I
4 directly talked to Akron on any of them. It
5 probably would have went through the chemist or
6 engineering.

7 Q. Were there people in the laboratory
8 that you can recall discussing these waste
9 classification issues with?

10 A. There was somebody that I had
11 discussions with as far as determining the
12 generic name for some of the stuff or what it
13 really was.

14 Q. Can you give me their names, if you
15 recall?

16 A. I think Bob Sullivan is the person
17 that I dealt with. I think he was my --

18 Q. Was Mr. Farren involved in these
19 discussions about the classification of waste?

20 MR. LUCAS: Objection.

21 A. He doesn't usually attend the
22 waste -- the staff meetings, but I don't know.
23 I really don't know what he was involved in.

24 Q. So these issues that you have been
25 describing were discussed in the weekly staff

1 meetings?

2 A. Some of them were. It was either
3 general knowledge or to make them generally
4 aware. Some of the stuff was discussed.

5 Q. Can you recall other meetings
6 discussing these waste classification issues
7 besides the staff meetings?

8 A. Other than on that one report, I
9 don't recall any special meetings on hazardous
10 waste or what have you.

11 Q. I guess you have said Mr. Thornton
12 was involved in talking with you on the report,
13 correct?

14 A. Yes.

15 Q. Can you remember anybody else who
16 was?

17 A. The plant manager was there.

18 Q. Mr. Powell?

19 A. The production manager was there.

20 Q. And that was who? What was that
21 person's name?

22 A. Tom Hollopeter.

23 Q. Anyone else?

24 A. I imagine the head chemist was
25 there. I don't know. I don't remember. I

1 can't remember any other names other than that.

2 Q. Do you know who the head chemist
3 was?

4 A. I think Bob Hornig was head chemist
5 then.

6 Q. Was there a safety department at
7 the plant?

8 A. Yes.

9 Q. What did you understand their
10 responsibilities to be when you were in waste
11 control?

12 A. Primarily their objectives would
13 have been the responsibility of the safety of
14 the people at the plant.

15 Q. Okay.

16 A. Provide a safe working environment.

17 Q. Did they provide guidance to you --
18 did that department provide guidance to you on
19 the safe handling of waste material?

20 A. Yeah, I think they issued a spec
21 sheet on the chemicals.

22 Q. I see. Who was the head of the
23 safety department when you were the manager of
24 waste control? Do you know?

25 A. I know, but I can't think of it.

1 Q. Okay. One of those things where
2 you have the face in your mind and you can't
3 think of the name?

4 A. There were several people and I
5 can't think of which one it was.

6 Q. Was anyone from the safety
7 department involved in the discussions on the
8 waste stream report that we have been talking
9 about?

10 A. Not to my personal knowledge, no.

11 Q. While you were waste manager -- I'm
12 sorry, waste control manager at the Dayton
13 plant, if you needed to know whether a
14 particular kind of waste could go to the dump,
15 who would you ask?

16 A. Well, to be honest with you, if I
17 couldn't find it in the book somewhere, I
18 probably -- it depends. If it was a pigment, I
19 probably would have went to the chemist.

20 Q. Okay. Anyone else?

21 A. No. That probably would have been
22 it.

23 Q. You wouldn't have talked to anyone
24 in engineering?

25 A. No, I don't think so. Not unless

1 it would have became a problem or something.

2 Q. You said if you couldn't have
3 figured it out in a book. Did you have books
4 or reference materials that dealt with that
5 kind of thing?

6 A. We got a copy of the code of the
7 federal register.

8 Q. The thing that you have been
9 referring to?

10 A. 49 CFR. It was a DOT document.

11 Q. And that was in your office?

12 A. For a while and then I don't know
13 where it ended up at. I probably read it more
14 than anybody.

15 Q. So you read it from time to time?

16 A. Uh-huh. When I wanted to get
17 confused mostly.

18 MR. LUTZ: Off the record.

19 (Discussion had off the record.)

20 Q. Now, the materials -- the wastes
21 that your department were responsible for that
22 you weren't able to sell or recycle were
23 disposed of off site; is that correct?

24 A. Correct.

25 Q. Do you know where they were taken?

1 A. Not always. I don't know. At the
2 last I don't know where they went.

3 Q. Did you ever know where any of them
4 were taken?

5 A. Yes. We followed some to the dump
6 before.

7 Q. I'm sorry?

8 A. We followed the dumpster to the
9 dump before.

10 Q. And this is while you were in waste
11 control?

12 A. Uh-huh.

13 Q. How many times did you do that?

14 A. Twice.

15 Q. Twice?

16 A. Uh-huh.

17 Q. The dumpster -- you are not talking
18 about a truck, are you?

19 A. Yes, the anchor packs.

20 Q. If I understand right, this is a
21 truck that comes and picks up the compactor and
22 takes it away?

23 A. Right.

24 Q. Was that a Firestone truck or was
25 that another company's?

1 A. IWD.

2 Q. IWD. Okay. And the anchor pack
3 belonged to IWD?

4 A. We leased it right, but it belonged
5 to IWD.

6 Q. And you recall twice following an
7 IWD truck with an anchor pack to the dump?

8 A. Yes.

9 Q. Which dump, do you remember?

10 A. It was called -- to the best of my
11 knowledge, it was called the South Dayton
12 landfill or South Dayton Sanitary Landfill.

13 Q. I don't know the Dayton area as
14 well as you do. Can you tell me in relation to
15 where we sit now where that is?

16 A. It would be down river, okay? It
17 is pretty close. You can almost shoot it with
18 a rifle. Do you know where Carrolton Park is?

19 Q. Yes.

20 A. Back over the hill from that.

21 Q. Was it down Patterson Avenue?

22 A. Down South Dixie. South Dixie down
23 behind a Ford dealer. You turn off and went
24 towards 75.

25 Q. South Dixie Highway?

1 A. South Dixie Highway.

2 Q. Have you ever heard that referred
3 to as the Cardington Road landfill?

4 A. No, not really.

5 Q. So you followed this -- on two
6 occasions, you followed this dumpster. Why did
7 you do that?

8 A. Basically two reasons. Okay. I
9 wanted to see what was in the dumpster or we
10 wanted to see what was in the dumpster to see
11 if there was anything that we should be
12 recycling.

13 Q. Yes.

14 A. And just to make sure -- to assure
15 ourselves that what we thought was in there was
16 in there.

17 Q. When you say we, was it more than
18 one person that followed the dumpster to the
19 dump?

20 A. Yes. I think Ralph Ball went with
21 me and I think one of the plant protection
22 people went with me.

23 Q. Why did a plant protection person
24 come with you?

25 MR. LUCAS: Objection.

